

# SENATE BILL REPORT

## SB 5313

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As of February 10, 2011

**Title:** An act relating to juvenile firearms and weapons crimes.

**Brief Description:** Concerning juvenile firearms and weapons crimes.

**Sponsors:** Senators Kline, Carrell and Pflug.

**Brief History:**

**Committee Activity:** Judiciary: 2/01/11.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** Unlawful possession of a firearm in the first degree is a class B felony. A person commits this offense by owning or having in his or her possession or control any firearm after having previously been convicted of any serious offense in this state or elsewhere. It is also unlawful possession of a firearm in the first degree if a person has been found not guilty by reason of insanity of a serious offense, and the person owns or possesses any firearm.

For a juvenile, unlawful possession of a firearm in the first degree is an offense category B, and under the juvenile sentencing standards, a juvenile with one prior adjudication receives a disposition of local sanctions. Local sanctions includes one or more of the following:

- 0 to 30 days of confinement;
- 0 to 12 months of community supervision;
- 0 to 150 hours of community restitution; and/or
- \$0 to \$500 fine.

It is unlawful possession of a firearm in the second degree for a person under the age of 18 years to own or have in his or her possession or control a firearm unless the juvenile falls into certain exemptions specified in statute. Under the juvenile offender sentencing standards, unlawful possession of a firearm in the second degree by a person under the age of 18 years is an offense category C. A juvenile who does not have other adjudications can commit this offense four times and receive a penalty of local sanctions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Option B, the suspended disposition alternative, allows a court to impose a standard range disposition and suspend it on condition that the offender comply with one or more local sanctions and any educational or treatment requirements. This option is only available if the offender is subject to a standard range disposition involving confinement by the Department of Social and Health Services (DSHS). If the offender fails to comply with the suspended disposition, the court may revoke the suspended disposition, and order its execution or order other sanctions.

**Summary of Bill:** Unlawful possession of a firearm in the first degree is a juvenile disposition offense category A- . Unlawful possession of a firearm in the second degree is a juvenile disposition offense category B+. Theft of a firearm and possession of a stolen firearm are both raised to a juvenile disposition offense category B+.

An offender is ineligible for Option B, the suspended disposition alternative, if the offender is 14 years of age or older and adjudicated of unlawful possession of a firearm in the first or second degree. A juvenile who is charged with unlawful possession of a firearm in the second degree, theft of a firearm, or possession of a stolen firearm is not eligible for a deferred disposition.

When a juvenile is found to have committed the offense of unlawful possession of a firearm in the first degree or the second degree and the standard range of disposition for the offense is more than 30 days of confinement, the court must commit the offender to the DSHS for the standard range disposition.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.